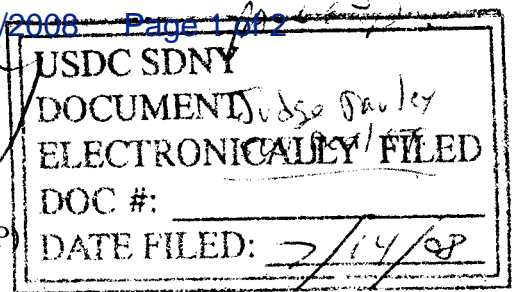


JUDGE PAUL R.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF CASE
08 CV 00487 (WHP)

NIPPON YUSEN KAISHA a.k.a. NYK LINE,

Plaintiff,

- against -

Q.P.S. MATERIALS INC.,

Defendant.

STIPULATION AND ORDER SETTLING
CASE AND DIRECTING GARNISHEES TO
TURN OVER ATTACHED PROPERTY TO
THE PLAINTIFF

JUL 10 2008

CLERK OF
COURT
PAUL R. PAULEY

WHEREAS:

A. Plaintiff commenced this suit in admiralty against defendant to recover the principal amount of \$15,555.00 in unpaid ocean freight and other charges together with prejudgment interest, costs and disbursements; and

B. Pursuant to process of maritime attachment and garnishment issued herein, plaintiff has attached property belonging to defendant in the amount of \$15,507.50 as follows:

- (i) \$10,000.00 held by garnishee, HSBC Bank (see Attachment 1),
- (ii) \$ 4,007.50 held by garnishee, Bank of New York Mellon (see Attachment 2),
- (iii) \$ 1,500.00 held by garnishee, Citibank, N.A. (see Attachment 3). And,

C. Defendant wishes to settle the case without engaging an attorney and plaintiff is amenable to same,

IT IS THEREFORE STIPULATED AND AGREED by and between plaintiff and defendant that this action is settled and dismissed on the following terms and conditions:

1. Defendant warrants and represents that the attached assets identified in WHEREAS clause B., above, are defendant's sole, unencumbered property and that the undersigned, Benny Szeto, is authorized to execute this stipulation on defendant's behalf.

2. The garnishee banks identified in WHEREAS clause B, above, shall promptly upon receipt of a copy of this stipulation and order turn over all of the attached assets to plaintiff's undersigned attorneys in accordance with wire transfer or other instructions to be provided by plaintiff's attorneys.

3. A copy of this stipulation and order may be served on the said garnishee banks by email or telefax.

4. Plaintiff represents and warrants that it has ceased daily service of the process of maritime attachment and garnishment herein and upon execution and so ordering of this stipulation and order will issue a cease and desist to all garnishee banks served with process of maritime attachment and garnishment herein.

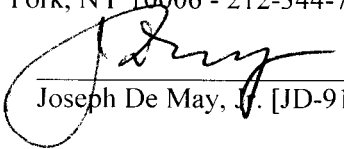
5. Within seven days of the date of this stipulation, defendant will make payment to plaintiff's undersigned attorneys of \$500 in settlement of the filing fee, costs and disbursements incurred by plaintiff herein. *(Check rec'd 07-10-08 Jom)*

6. The parties shall have 30 days from the date this stipulation is so ordered to reopen the case if settlement is not consummated.

Dated: New York, NY, June ¹⁴ 10, 2008

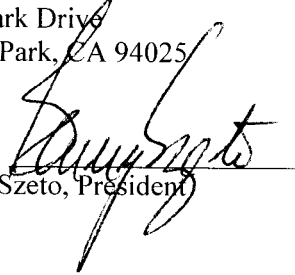
CICHANOWICZ CALLAN KEANE
VENGROW & TEXTOR, LLP
Attorneys for Plaintiff, 61 Broadway 3000
New York, NY 10006 - 212-344-7042

By:


Joseph De May, Jr. [JD-9105]

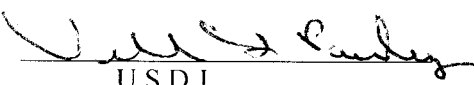
QPS MATERIALS, INC. Defendant
1020 Sharon Park Drive
Menlo Park, CA 94025
650-380-0311

By:


Benny Szeto, President

7/7/08

SO ORDERED:


U.S.D.J.

7/11/08

New York, NY, ~~June~~ 11, 2008